

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M.H. Wyzgala et al.

Attorney Docket No.: BSCO114052

Application No.: 09/629,771

Group Art Unit: 3762

Filed: July 31, 2000

Title: EXPANDABLE ABLATION BURR

DECLARATION OF SUSAN L. CREEK IN SUPPORT OF APPLICANT'S PETITIONUNDER 37 C.F.R. § 1.47(a)

Seattle, Washington 98101

March 23, 2001

TO THE COMMISSIONER FOR PATENTS:

Susan L. Creek declares that:

1. I am employed as a patent legal secretary for the Patent Department of SCIMED Life Systems, Inc., having an address of 1 SCIMED Place, Maple Grove, MN 55311, the company which seeks assignment of Application No. 09/629,771 (hereinafter "the Application"). I make this declaration in support of Applicant's Petition under 37 C.F.R. § 1.47(a).

2. I mailed a Combined Declaration/Power of Attorney and an Assignment to each joint inventor of the Application on November 20, 2000. Attached as Exhibit 1 is a true and correct copy of my November 20, 2000 letter to Eric B. Hamilton at 12100 129th Lane NE, #N205, Kirkland, Washington, 98034. The November 20, 2000 letter instructed Eric B. Hamilton to sign and return both the Combined Declaration/Power of Attorney and the Assignment for the Application.

3. I have received the signed Combined Declaration/Power of Attorney and an Assignment from each of the joint inventors of the Application, except from Eric B. Hamilton.

4. After failing to receive a response from Eric B. Hamilton, I sent several copies of the November 20, 2000 letter as a reminder to Eric B. Hamilton at the Kirkland, Washington,

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

-Page 1 of 3-

DSCO114052AM1.DXX

RECEIVED

OCT 11 2001

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address.

5. The November 20, 2000 letter was returned to me by Federal Express in December, 2000, as addressee undeliverable.

6. Eric B. Hamilton called me on January 11, 2001 and told me that he had received the reminder letter.

7. After the telephone conversation with Eric B. Hamilton, I mailed another letter including a Combined Declaration/Power of Attorney and an Assignment for the Application to Mr. Hamilton at his updated address of 818 17th Street, Washougal, Washington, 98671. Attached as Exhibit 2 is a true and correct copy of my January 11, 2001 letter to Eric B. Hamilton.

8. Attached as Exhibit 3 is a true and correct copy of the Federal Express shipping label for my January 11, 2001 letter to Eric B. Hamilton.

9. After failing to receive a response from Eric B. Hamilton, I sent a copy of the January 11, 2001 letter as a reminder to Eric B. Hamilton on March 5, 2001. Attached as Exhibit 4 is a true and correct copy of the Federal Express shipping label of a reminder letter sent to Eric B. Hamilton on March 5, 2001.

10. Eric B. Hamilton's wife called me after receiving the reminder letter to ask about the enclosures. I told her that I had sent them to him with the January 11, 2001 letter.

11. I sent a letter to Eric B. Hamilton on March 20, 2001 which included a Combined Declaration/Power of Attorney and an Assignment for the Application from Luke Dohmen, Vice President and Chief Patent Counsel, Cardiology, for whom I work with as a patent secretary. Attached as Exhibit 5 is a true and correct copy of a March 20, 2001 letter to Eric B. Hamilton from Luke Dohmen, Vice President and Chief Patent Counsel, Cardiology.

12. Attached as Exhibit 6 are true and correct copies of my March 20, 2001 Federal

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 11th Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100


Express shipping label to Eric B. Hamilton and the return Federal Express shipping label supplied to Eric B. Hamilton in the March 20, 2001 letter by Luke Dohmen to Eric B. Hamilton.

13. As the correspondence attached hereto indicates, I have made reasonable and diligent efforts on behalf of SCIMED Life Systems, Inc. to reach Eric B. Hamilton and to have Eric B. Hamilton sign and return the Declaration for the Application. Since I have not received a signed Declaration from Eric B. Hamilton after numerous attempts over a period of five months, supported by the enclosures herewith, I can only conclude that Eric B. Hamilton is refusing to sign the Declaration of the Application.

14. As of this 23rd day of March, 2001, I have not received a signed Declaration by Eric B. Hamilton for the Application.

15. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patents issuing thereon.

Date: March 23, 2001



Susan L. Creek

Residential Address:

818 Meander Road

Hanover, Minnesota 55341

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSTM
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

**Boston
Scientific
SCIMED**



November 20, 2000

Boston Scientific Scimed, Inc.
One Scimed Place
Maple Grove, MN 55311-1566
612.494.1700
www.bsci.com

Eric B. Hamilton
12100 129th Lane NE
#N205
Kirkland, WA 98034

RE: U.S. Patent Application for:
EXPANDABLE ABLATION BURR
Our File No.: HT-P0033-US03

Dear Eric:

Enclosed please find a Combined Declaration/Power of Attorney and an Assignment for the above-identified patent application. Please sign both forms where indicated and return to me as soon as possible. Please note that the Assignment document needs to be notarized.

Thank you for your prompt attention and assistance in this matter.

Sincerely,

Susan L. Creek
Patent Legal Secretary

Enclosures

RECEIVED

OCT 11 2001

OFFICE OF PETITIONS

EXHIBIT 1



January 11, 2001

Boston Scientific Scimed, Inc.
One Scimed Place
Maple Grove, MN 55311-1566
763.494.1700
www.bsci.com

Eric B. Hamilton
818 17th Street
Washougal, WA 98671

RE: U.S. Patent Application for:
EXPANDABLE ABLATION BURR
Our File No.: HT-P0033-US03

Dear Eric:

Thank you for your phone call.

Enclosed please find a Combined Declaration/Power of Attorney and an Assignment for the above-identified patent application. Please sign both forms where indicated and return to me as soon as possible. Please note that the Assignment document needs to be notarized.

Thank you for your prompt attention and assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Creek".

Susan L. Creek
Patent Legal Secretary

Enclosures



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Shipping
Request

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Form I.O. No.

0205

0160440470

331

WCSL00
PART 154819
Rev. 10/98
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Federal Express Corporation

Sender's FedEx Account Number

0554-0315-5

8248 4593 8509

Form
I.O. No.
0205



8248 4593 8509

Form
I.O. No.
0205

FedEx Tracking Number — PULL UP PURPLE TAB

From

Susan Clark Ship Date 1/11/01
612 494-2663
BOSTON SCIENTIFIC SCIMED INC
ONE SCIMED PLACE
MAPLE GROVE, MN 55311

To (If Hold for Pickup, Print FedEx Address Here.) (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

Eric Hamilton
818 17th Street
Washouga WA 98671

Release No.

Phone No.

Reference Info

23031

Special
Handling

☐ HOLD Weekday at
FedEx Location

☐ HOLD Saturday at
FedEx Location

☐ SATURDAY
Delivery

☐ SUNDAY
Delivery

☐ Dangerous
Goods

☐ Dry
Ice

Services

FedEx Priority Overnight

☐ FedEx
Env./Ltr.
☐ FedEx
Box
☐ FedEx
Pak
☐ Other Pkg.

FedEx Standard Overnight

☐ FedEx
Env./Ltr.
☐ FedEx
Box
☐ FedEx
Pak
☐ Other Pkg.

FedEx 2Day

☐ FedEx
Env./Ltr.
☐ FedEx
Pak
☐ Other Pkg.

FedEx First Overnight

☐ FedEx
Env./Ltr.
☐ Other
Pkg.

FedEx Express Saver

☐ FedEx
Env./Ltr.
☐ FedEx
Pak
☐ Other
Pkg.

FedEx 1Day Freight

☐ Other
Pkg.

FedEx 2Day Freight

☐ Other
Pkg.

FedEx 3Day Freight

☐ Other
Pkg.

WEIGHT

DECLARED VALUE

EXHIBIT

3

FedEx**Express
Shipping
Request**For use by PowerShip
Customers onlyForm I.D. No.
0205

0160445260

331WCSL 00
PART 154819
Rev. 10/99
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Federal Express Corporation

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0554-0315-5

8248 4596 5042Form
I.D. No.
0205**FedEx****8248 4596 5042**Form
I.D. No.
0205

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From **Susan Clark** Ship Date **3/5/01**
BOSTON SCIENTIFIC SCIMED, INC.
1 SCIMED PL
MAPLE GROVE, MN 55311-1566

To (If Hold for Pickup, Print FedEx Address Here.) (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

Eric Hamilton
818 17th Street
Washington, WA 98671

Release No.

Phone No.

Reference Info

23031Special
Handling☐ HOLD Weekday at
FedEx Location☐ HOLD Saturday at
FedEx Location☐ SATURDAY
Delivery☐ SUNDAY
Delivery☐ Dangerous
Goods☐ Dry
Ice

Services

FedEx Priority Overnight

☒ FedEx
Env./Ltr.
☐ FedEx
Box
☐ FedEx
Tube
☐ Other Pkg.

FedEx Standard Overnight

☐ FedEx
Env./Ltr.
☐ FedEx
Box
☐ FedEx
Tube
☐ Other Pkg.

FedEx 2Day

☐ FedEx
Env./Ltr.
☐ FedEx
Pkg.
☐ Other Pkg.

FedEx First Overnight

☐ FedEx
Env./Ltr.
☐ Other
Pkg.

FedEx Express Saver

☐ FedEx
Env./Ltr.
☐ FedEx
Pkg.
☐ Other
Pkg.

FedEx 1Day Freight

☐ Other
Pkg.

FedEx 2Day Freight

☐ Other
Pkg.

FedEx 3Day Freight

☐ Other
Pkg.

WEIGHT DECLARED VALUE

Reminder Letter

EXHIBIT

4



March 20, 2001

Scimed Life Systems, Inc.
One Scimed Place
Maple Grove, MN 55311-1566
612.494.1700
www.bsci.com

Eric B. Hamilton
818 17th Street
Washougal, WA 98671

FEDERAL EXPRESS

RE: U.S. Patent Application for:
EXPANDABLE ABLATION BURR
Our File No.: HT-P0033-US03

Dear Eric:

After sending several letters regarding the above-identified file, we can only assume that you are refusing to sign the formal documents. Therefore, we will be sending an Affidavit to the Patent Office along with the formal papers stating that we have not been able to obtain your signature.

If you are willing to sign the documents, please do so immediately and return them to my attention. In addition, please fax a copy to my attention at (763) 494-2180.

I am enclosing another copy of the papers and another return Federal Express envelope and label for your convenience.

Thank you for your prompt attention and assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Luke Dohmen".

Luke Dohmen
Vice President and Chief Patent
Counsel, Cardiology

Enclosures

EXHIBIT

5

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0205
8248 4596 5454

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Form I.D. No.
0205
8248 4596 5454

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From **Eric Hamilton** Ship Date **3/2/01**

BOSTON SCIENTIFIC SCIMED, INC.

STRICTLY CONFIDENTIAL
MAPLE GROVE, MN 55311-1566

To (If Hold for Pickup, Print FedEx Address Here.) (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

Susan Creek MS450

Scimed Life Systems, Inc.
One Scimed Place
Maple Grove, MN 55311-1565

Release No.

Phone No.

Reference Info		23031		Special Handling		HOLD Weekday at FedEx Location		HOLD Saturday at FedEx Location		SATURDAY Delivery		SUNDAY Delivery		Dry Ice	
Services		FedEx Priority Overnight		FedEx Standard Overnight		FedEx 2Day		FedEx First Overnight		FedEx Express Saver		FedEx 1Day Freight		FedEx 3Day Freight	
WEIGHT		FedEx Env/Ltr		FedEx Box		FedEx Env/Ltr		FedEx Env/Ltr		FedEx Pak		FedEx Other Pkg		FedEx Other Pkg	
DECLARED VALUE		FedEx Env/Ltr		FedEx Box		FedEx Env/Ltr		FedEx Env/Ltr		FedEx Pak		FedEx Other Pkg		FedEx Other Pkg	
		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube	
		Other Pkg		Other Pkg		Other Pkg		Other Pkg		Other Pkg		Other Pkg		Other Pkg	

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From **Susan Creek** Ship Date **3/2/01**

BOSTON SCIENTIFIC SCIMED, INC.

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MAPLE GROVE, MN 55311-1566

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Eric Hamilton

818 17th Street
Washougal, WA 98671

Release No.

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WEIGHT		FedEx Env/Ltr		FedEx Box		FedEx Env/Ltr		FedEx Env/Ltr		FedEx Pak		FedEx Other Pkg		FedEx Other Pkg	
DECLARED VALUE		FedEx Env/Ltr		FedEx Box		FedEx Env/Ltr		FedEx Env/Ltr		FedEx Pak		FedEx Other Pkg		FedEx Other Pkg	
		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube		FedEx Tube	
		Other Pkg		Other Pkg		Other Pkg		Other Pkg		Other Pkg		Other Pkg		Other Pkg	

EXHIBIT

6